

DATE: May 24, 2010

TO: RMC Governing Board

FROM: Belinda V. Faustinos, Executive Officer

SUBJECT: Item 24: Discussion and possible regarding the California State Parks and Wildlife Conservation Trust Fund Act of 2010.

DISCUSSION/RECOMMENDATION: Discussion and possible action recommending RMC support of the California State Parks and Wildlife Conservation Trust Fund Act 2010 which would create a stable, reliable and adequate source of funding to protect state parks and conserve California wildlife. Staff recommends support of the California State Parks and Wildlife Conservation Trust Fund Act of 2010.

DESCRIPTION: On the California Secretary of State's website, under the Initiatives and Referenda Pending Signature Verification the following information on the initiative is posted:

Establishes \$18 Annual Vehicle License Surcharge to Help Fund State Parks and Wildlife Programs and Grants Free Admission to All State Parks to Surcharged Vehicles. Initiative Statute.

Summary Date: 12/29/09 | Random Sample Deadline: 06/11/10 | Signatures Required: 433,971

Proponent: Joseph L. Caves (916) 558-1516

Establishes an \$18 annual state vehicle license surcharge and grants free admission to all state parks to surcharged vehicles. Requires deposit of surcharge revenue in a new trust fund. Requires that trust funds be used solely to operate, maintain and repair the state park system, and to protect wildlife and natural resources. Exempts commercial vehicles, trailers and trailer coaches from the surcharge. Requires annual independent audit and review by citizen's oversight committee. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local government: Increased state revenues of about \$500 million annually from the imposition of a surcharge on the VLF to be used mainly to fund state parks and wildlife conservation programs. Potential state savings of up to approximately \$200 million annually to the extent that the VLF surcharge revenues were used to reduce support from the General Fund and other special funds for parks and wildlife conservation programs. Reduction of about \$50 million annually in state and local revenues from state park day-use fees. These revenue losses could potentially be offset by increases in other types of state park user fees and revenues. (09-0072.)

Status: Pending Signature Verification for November 2010 Ballot

BACKGROUND: Twice in the past two years, state parks were on the brink of being shut down. Only last-minute budget reprieves kept them open. But nearly 60 state parks will be shut down part-time or their hours of operation reduced because of FY 09/10's budget cuts, and more park closure proposals and budget cuts are expected next year.

Budget cuts have caused state parks to accumulate a backlog of more than \$1 billion in needed maintenance and repairs. Roofs and sewage systems leak, restrooms are not cleaned regularly, bridges have collapsed, trails are washed out, campgrounds and visitor centers are shuttered and buildings and structures throughout the system are badly deteriorated. Thousands of scenic acres are closed to the public because of reductions in park rangers, and crime has more than doubled. Destruction and vandalism of the parks has grown fourfold, and beachgoers are often unprotected because of decreases in lifeguards.

Key Elements of the Measure

- The initiative would permanently and adequately fund the state park system, including elimination of the accumulated \$1.2 billion deferred maintenance deficit. Parks would have adequate staff to support expanded visitors due to free admission. A total of \$425 million/yr would be allocated to state parks providing an increase in the effective operating budget (after accounting for elimination of general fund support and entry fees) of over \$200 million.
- Local agencies that manage state parks would be compensated for loss entry fees and receive grants to assist with operations and maintenance.
- The Department of Fish and Game would receive \$35 million per year to improve the management of wildlife refuges and other conservation lands—more than doubling the stewardship budget of DFG.
- Conservancies and the Wildlife Conservation Board would have \$20 million per year for grants for stewardship for locally managed conservation lands.
- The Ocean Protection Council receives \$20 million per year to fund marine resource protection.

Conservation Benefits

While recent years have seen increased funding from bonds for conservation acquisition, stewardship funding has lagged. This has become a major obstacle to expanding acquisitions—state agencies have not been able to acquire or accept properties because they don't have money to manage—and undermined the protection of the resources already acquired. This measure creates a funding source protected from the state budget that will ensure adequate protection and stewardship of California's natural resources. The concept has strong public support and with a strong campaign, should be successful.

The ballot measure would protect state parks and conserve wildlife by establishing the State Parks and Wildlife Conservation Trust Fund in the state treasury where, by law, it could only be spent on state parks, urban river parkways, wildlife, natural lands and ocean conservation programs. Funding for the Trust Fund would come from an \$18 annual State Park Access Pass surcharge on all California vehicles, including motorcycles and recreational vehicles. Larger commercial vehicles, mobile homes and permanent trailers would be exempt. Vehicles subject to the surcharge would receive free, year-round admission to all state parks throughout the year. Californians will no longer pay day-use fees at any state parks. In comparison, park visitors currently pay up to \$125 for an annual pass or \$10-\$15 per day at most parks. Out-of-state vehicles would continue to pay full entrance fees at parks.

The Trust Fund would be protected by strict fiscal and accountability safeguards, including an annual audit by the State Auditor and a Citizens' Oversight Committee would be created to ensure funds are spent appropriately. The State Legislature would not be able to reallocate the

Trust Fund for any other uses. The annual projected payout of the State Park and Wildlife Conservation Trust Fund would be:

Department of Parks and Recreation – 85% -- \$425 million -- for the protection of California's natural, cultural, and historical resources

- \$380 million - Operation, maintenance, and repair of State Parks facilities, including visitor centers, campsites, and ranger stations; expanded public access; other costs related to the operation and management of the State Parks System.
- \$20 million - Grants to public agencies for the operation, management, and restoration of urban river parkways that provide recreation and access to natural areas to underserved urban communities.
- \$25 million- Grants to local agencies that contribute to the operation and maintenance of State Park System units.

Department of Fish and Game – 7% -- \$35 million -- for the operation and management of wildlife refuges, ecological reserves and other lands managed by DFG for wildlife conservation
 Ocean Protection Council – 4% -- \$20 million -- for marine wildlife conservation and the protection of coastal waters

State Conservancies – 2% -- \$10 million -- for operation, management, and wildlife conservation on park and wildlife lands managed by state conservancies

Wildlife Conservation Board – 2% -- \$10 million -- for grants to local public agencies for wildlife conservation

Up to \$5 million - Annual review, oversight, and administrative costs

The language of the proposed new Chapter 1.21 is added to the Public Resources Code is attached as Exhibit A.

Supporters of this initiative include the California Travel Industry Association, California Lodging Industry Association, California Parks Company, Monterey Bay Aquarium, State Park Peace Officers Association of California, California State Park Rangers Association and the California State Lifeguard Association. The Nature Conservancy, Sierra Club California, Audubon California, Save the Redwoods League, Peninsula Open Space Trust, California Travel Industry Association, California Lodging Industry Association, The Trust for Public Land, Wildlands Conservancy, California State Lifeguard Association and the California State Parks Foundation.

Staff could find only a few blogs regarding opposition of this initiative there are no internet sites that are registered opposition to this initiative.



CONSERVATION
STRATEGY GROUP

November 3, 2009

Ms. Krystal Paris
Initiative Coordinator
Office of the Attorney General
1300 I Street
Sacramento, CA 95814

09-0072
RECEIVED

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INITIATIVE COORDINATOR
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative titled State Parks and
Wildlife Conservation Trust Fund Act

Dear Ms. Paris,

I respectfully request that the Attorney General prepare Title and Summary for the enclosed proposed initiative titled "State Parks and Wildlife Conservation Trust Fund Act." Also enclosed is a check payable to the State of California in the amount of \$200.00, the required signed statement pursuant to Elections Code 9068, and my voter registration address.

Should you have any questions or require any additional information please contact me at 1100 11th Street, Suite 200, Sacramento, CA 95814, (916)558-1516.

 Joseph L. Caves on behalf of
Californians for State Parks and Wildlife Conservation

09 - 0072

State Parks and Wildlife Conservation Trust Fund Act

The People of the State of California find and declare all of the following:

(1) California's natural resources and wildlife must be preserved and protected for future generations.

(2) The California State Park System is essential to protecting these resources for the people of California. Along with the wildlife protection and conservation agencies of the state, the State Park System is responsible for preserving the state's unique wildlife, natural lands and ocean resources.

(3) Persistent underfunding of the State Park System and wildlife conservation has resulted in a backlog of more than a billion dollars in needed repairs and improvements, threatens the closure of parks throughout the state and the loss of protection for many of the state's most important natural and cultural resources, recreational opportunities and wildlife habitat.

(4) California's State Park System benefits all Californians by providing opportunities for recreation, nature education, preservation of cultural and historic landmarks, and by protecting natural resources that improve the state's air and water quality.

(5) Californians deserve a world-class State Park System that will preserve and protect the unique natural and cultural resources of the state for future generations.

(6) Rebuilding the State Park System and protecting the state's wildlife resources will grow California's economy and create jobs by drawing millions of tourists each year to contribute to the state's multibillion dollar tourism economy.

(7) It is the intent of the People in enacting this measure to protect the state's resources and wildlife by establishing a stable, reliable, and adequate funding source for the State Park System and for wildlife conservation, and to provide increased and equitable access to those resources for all Californians.

(8) It is further the intent of the People that the State Park System be operated and maintained at a level of excellence, allow increased access to state parks for all Californians while continuing to charge out of state visitors for the use of state parks, and protect the state's natural and cultural resources, recreational opportunities, and wildlife for future generations.

Chapter 1.21 is added to the Public Resources Code, to read:

Chapter 1.21 State Parks and Wildlife Conservation Trust Fund Act

Article 1. Trust Fund

5081. There is hereby established the State Parks and Wildlife Conservation Trust Fund in the State Treasury. All money deposited in the fund shall be held in trust for the People of the State of California and used solely for the purposes of this chapter. The moneys in the fund shall be available for appropriation only for the following purposes:

- (a) Operation, maintenance, and repair of facilities, including visitor centers, restrooms, campsites, and ranger stations, in the State Park System.
- (b) Wildlife conservation and protection of natural resources, including forests, other natural lands, and lands that provide clean water, clean air and protect the health of people and nature.
- (c) Expanding public access to the State Park System and natural areas through outreach, public education, improved transportation access and providing for the safety and security of park visitors.
- (d) Development, management and expansion of state park units and facilities as needed to provide and enhance public access and recreational opportunities.
- (e) Protecting rivers, lakes, streams, coastal waters and marine resources.
- (f) Grants to local agencies that operate units of the State Park System to offset the loss of day use revenues as provided in this chapter, and to state and local agencies that manage river parkways.
- (g) Protecting and restoring state park cultural and historical resources.
- (h) Auditing and oversight of the implementation of this act to ensure that funds are only spent in accordance with the provisions of this act and are not diverted or misspent.
- (i) Other costs related to the operation and management of the State Park System.
- (j) Collection costs for the State Park Access Pass.

5082. The Department of Parks and Recreation shall prepare a strategic plan to improve access to the State Park System that addresses the needs of each region of the state and identifies

programs and policies consistent with this act to improve access to state parks and state park services and benefits to underserved groups and regions.

5082.5. For the purposes of this chapter “fund” means the State Park and Wildlife Conservation Trust Fund.

5082.6. For the purposes of this chapter “department” means the Department of Parks and Recreation.

5082.7. For the purposes of this chapter, “wildlife” has the same meaning as provided in Section 711.2 of the Fish and Game Code.

Article 2. Fiscal Accountability and Oversight

5085. (a) The State Parks and Wildlife Conservation Trust Fund shall be subject to an annual independent audit by the State Auditor that shall be released to the public, placed on the department’s website, and submitted to the Legislature for review as part of the State Budget.

(b) Up to 1% of the annual revenues of the fund may be used for auditing, oversight and administrative costs for this article and costs for collection of the State Parks Access Pass.

(c) The Secretary of Natural Resources shall establish a Citizens Oversight Committee to review the annual audit and issue a public report on the implementation of the this act and its effectiveness at protecting state parks and natural resources. Members shall include citizens with expertise in business and finance, park management, natural resource protection, cultural and historical resource protection, and other disciplines as may be deemed necessary by the Secretary.

5085.5. Funds deposited into the State Parks and Wildlife Conservation Trust Fund, together with any interest earned by the fund, shall be used solely for the purpose of this chapter and shall not be subject to appropriation, reversion, or transfer for any other purpose, may not be loaned to the General Fund or any other fund for any purpose and shall not be used for the payment of interest, principal or other costs related to general obligation bonds.

5086. Notwithstanding any other provision of law, all state park fee and concession revenues shall be deposited into the State Parks and Recreation Fund pursuant to Section 5010, and, together with any interest earned thereon, shall be available for appropriation only to the Department of Parks and Recreation for operation, management, planning and development of the State Park System and shall not be subject to appropriation, reversion, or transfer for any other purpose, may not be loaned to the General Fund or any other fund for any purpose and

shall not be used for the payment of interest, principal or other costs related to general obligation bonds.

5086.5. It is the intent of the people in enacting this chapter to provide a stable and adequate level of funding to the Department of Parks and Recreation. General Fund monies used to support the department may be reallocated to other uses if the Legislature determines that the financial resources provided from the State Parks and Wildlife Conservation Trust Fund and the State Parks and Recreation Fund are adequate to fully maintain and operate the State Park System.

Article 3. State Park Access Pass

5087. (a) All California vehicles subject to the State Park Access Pass shall have free admission to all units of the state park system and to designated state lands and wildlife areas as provided in this chapter.

(b) For the purposes of this section "free admission" means free vehicle admission, parking and day use at all units of the State Park System and shall be subject only to those limitations as the department deems necessary to manage the State Park System to avoid overcrowding and damage to natural and cultural resources and for public health and safety. Other state and local agencies shall designate those lands whose management and operation is funded pursuant to this chapter for free vehicle access where such access is consistent with the management objectives of the land. As used in this subdivision, free admission does not include camping, tour fees, swimming pool fees, the use of boating facilities, museum and special event fees, any supplemental fees, or special event parking fees.

5087.1. The department shall issue rebates of the State Park Access Pass surcharge to veterans who qualify for a park fee exemption pursuant to Section 5011.5.

Article 4. Allocation of State Park and Wildlife Conservation Trust Fund Revenues

5088. Except for the costs pursuant to Article 2 of audits, oversight and collection costs, all funds deposited in the State Park and Wildlife Conservation Trust Fund shall be allocated only to the following agencies and as provided in this section:

(a) Eighty five percent (85%) shall be available for appropriation from the fund to the Department of Parks and Recreation. Except for costs for grants and grant management pursuant to Section 5088.1., all funds allocated for appropriation to the Department of Parks and Recreation shall be used only for operation, management, planning and development of the State Park System.

(b) Seven percent (7%) shall be available for appropriation from the fund to the Department of Fish and Game for the management and operation of wildlife refuges, ecological reserves and other lands owned or managed by the Department of Fish and Game for wildlife conservation.

(c) Four percent (4%) shall be available for appropriation from the fund to the Ocean Protection Council for marine wildlife conservation and the protection of coastal waters, with first priority given to the development, operation, management, and monitoring of marine protected areas.

(d) Two percent (2%) shall be available for appropriation from the fund to state conservancies for management, operation and wildlife conservation on state lands that are managed for park and wildlife habitat purposes by those conservancies. A state conservancy may provide grants to a local agency that assists the conservancy in managing state owned lands under that conservancy's jurisdiction.

(e) Two percent (2%) shall be available for appropriation from the fund to the Wildlife Conservation Board for grants to local public agencies for wildlife conservation.

5088.1. The department shall develop and administer a program of grants to public agencies to enhance the operation, management and restoration of urban river parkways providing recreational benefits and access to open space and wildlife areas to underserved urban communities. The department shall allocate each year an amount equal to four percent (4%) of the funds deposited in the State Park and Wildlife Conservation Trust Fund from the funds the department receives pursuant to subdivision (a) of Section 5088. For the purposes of this section, "public agencies" means state agencies, cities, counties, cities and counties, local park districts, and joint powers authorities. In consultation with the California River Parkway Program (Chapter 3.8 (commencing with Section 5750) of Division 5), the department shall adopt best management practices for stewardship, operation, and management of urban river parkways. The department shall consider those best management practices and providing continuity of funding for urban river parkways when allocating grant funds pursuant to this section. The department shall give highest priority for grants to urban river parkways that benefit the most underserved communities.

5088.2. The department shall provide grants to local agencies operating units of the State Park System to assist in the operation and maintenance of those units. The department shall first grant available funds to local agencies operating units of the State Park System that, prior to the implementation of this chapter, charged entry or parking fees on vehicles, and shall allocate any remaining funds, on a pro-rated basis, to local agencies to assist in the operation and maintenance of state park units managed by local agencies, based on the average annual operating expenses of those units over the three previous years, as certified by the Chief

Financial Officer of such local agency. Of the funds provided in subdivision (a) of Section 5088, an amount equal to five percent (5%) of the amount deposited in the fund shall be available for appropriation for the purposes of this section. The department shall develop guidelines for the implementation of this section.

5089. For the purposes of this chapter, eligible expenditures for wildlife conservation include direct expenditures and grants for operation, management, development, restoration, maintenance, law enforcement and public safety, interpretation, costs to provide appropriate public access, and other costs necessary for the protection and management of natural resources and wildlife including scientific monitoring and analysis required for adaptive management.

5090. Funds provided pursuant to this chapter, and any appropriation or transfer of those funds, shall not be deemed to be a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

SEC. 2. Section 10751.5 is added to the Revenue and Taxation Code, to read:

10751.5. (a) Except as provided in subdivision (b), in addition to the license fee imposed pursuant to Section 10751, for licenses and renewals on or after January 1, 2011, there shall also be imposed an annual surcharge, to be called the State Parks Access Pass, in the amount of eighteen dollars (\$18) on every vehicle subject to the license fee imposed by that section. All revenues from the surcharge shall be deposited into the State Parks and Wildlife Conservation Trust Fund pursuant to subdivision (a) of Section 5081 of the Public Resources Code.

(b) The surcharge established in subdivision (a) shall not apply to the following vehicles:

- (1) Vehicles subject to the Commercial Vehicle Registration Act (Section 4000.6 of the Vehicle Code).
- (2) Trailers subject to Section 5014.1 of the Vehicle Code.
- (3) Trailer coaches as defined by Section 635 of the Vehicle Code.

May 24, 2010 - Item 24.

RESOLUTION NO. 2010- 53

RESOLUTION OF THE SAN GABRIEL AND LOWER LOS ANGELES
RIVERS AND MOUNTAINS CONSERVANCY (RMC) SUPPORTS THE
STATE PARKS AND WILDLIFE CONSERVATION TRUST FUND
ACT OF 2010.

WHEREAS, The legislature has found and declared that the San Gabriel River and its tributaries, the Lower Los Angeles River and its tributaries, and the San Gabriel Mountains, Puente Hills, and San Jose Hills constitute a unique and important open space, environmental, anthropological, cultural, scientific, educational, recreational, scenic, and wildlife resource that should be held in trust to be preserved and enhanced for the enjoyment of, and appreciation by, present and future generations; and

WHEREAS, The State Parks and Wildlife Conservation Trust Fund would provide a stable, reliable and adequate source of funding for the state park system, for wildlife conservation and for increased and equitable access to those resources for all Californians; and

WHEREAS, Funding for the Trust Fund would come from an \$18 annual State Park Access Pass surcharge on all California cars, motorcycles and recreational vehicles that would be collected by the Department of Motor Vehicles as part of the annual vehicle license fee; and

WHEREAS, California vehicles subject to the State Park Access Pass surcharge and all occupants of those vehicles would receive free day use admission to all state parks throughout the year; and

WHEREAS, Parks contribute to public health by protecting forests and natural areas that are sources of clean air and water and by combating climate change by reducing greenhouse gases; and

WHEREAS, Parks protect the state's wide diversity of plants and animals, preserve an unparalleled collection of historic and cultural assets and provide exciting educational opportunities for young and old alike; and

WHEREAS, The State Parks and Wildlife Conservation Trust Fund would protect California's 278 state parks so that all Californians can enjoy their benefits; and

WHEREAS, this action is exempt from the environmental impact report requirements of the California Environmental Quality Act (CEQA); and NOW

Therefore be it resolved that the RMC hereby:

1. FINDS that this action is consistent with the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy Act and is necessary to carry out the purposes and objectives of Division 22.8 of the Public Resources Code.
2. FINDS that the actions contemplated by this resolution are exempt from the environmental impact report requirements of the California Environmental Quality Act.

Resolution 2010-53

3. ADOPTS the staff report dated May 24, 2010.
4. SUPPORTS the State Parks and Wildlife Conservation Trust Fund Act of 2010.

~ End of Resolution ~

Passed and Adopted by the Board of the
SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS
CONSERVANCY on May 24, 2010

Frank Colonna, Chair

ATTEST:

Terry Fujimoto
Deputy Attorney General